

FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 97–NM–45–AD.

Applicability: All Model 737–100, –200, –300, –400, and –500 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent sudden uncommanded yawing of the airplane due to potential failures within the yaw damper system, and consequent injury to passengers and crewmembers, accomplish the following:

(a) Remove the yaw damper coupler, replace the internal rate gyroscope with a new or overhauled unit, and perform a test to verify the integrity of the yaw damper coupler, all in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, at the applicable time

specified in paragraph (a)(1) or (a)(2) of this AD.

(1) For airplanes on which the yaw damper coupler has accumulated less than 12,000 hours time-in-service since its last maintenance activity as of the effective date of this AD: Perform the actions within 6,000 hours time-in-service after the effective date of this AD; and thereafter at intervals not to exceed 9,000 hours time-in-service.

(2) For airplanes on which the yaw damper coupler has accumulated 12,000 or more hours time-in-service since its last maintenance activity as of the effective date of this AD: Perform the actions within 3,000 hours time-in-service after the effective date of this AD; and thereafter at intervals not to exceed 9,000 hours time-in-service.

(b) If the yaw damper coupler fails the test required by paragraph (a) of this AD, prior to further flight, repair the coupler in accordance with a method approved by the Manager, Seattle ACO.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on June 18, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–16569 Filed 6–24–97; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

[Docket No. RM97–3–000]

Research, Development and Demonstration Funding; Notice of Extension of Comment Period

Issued June 19, 1997.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On April 30, 1997, the Federal Energy Regulatory Commission

issued a Notice of Proposed Rulemaking (62 FR 24853, May 7, 1997) proposing to amend its research, development and demonstration regulations to propose a new funding mechanism for the Gas Research Institute. The date for filing further comments in this docket is being extended at the request of various interested entities.

DATES: Comments shall be filed on or before August 29, 1997.

ADDRESSES: Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Lois D. Cashell, Secretary, 202–208–0400.

Lois D. Cashell,

Secretary.

[FR Doc. 97–16588 Filed 6–24–97; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 311

Privacy Program

AGENCY: Office of the Secretary, DOD.

ACTION: Proposed rule.

SUMMARY: In accordance with the Privacy Act of 1974, the Office of the Secretary of Defense (OSD) proposed to exempt a new system of records, DFM&P 26, entitled Vietnamese Commandos Compensation Files, from certain provisions of 5 U.S.C. 552a. Exemption is needed to comply with the prohibition against disclosure of properly classified portions of this record system.

DATES: Comments must be received no later than August 25, 1997, to be considered by the agency.

ADDRESSES: Send comments to the OSD Privacy Act Officer, Washington Headquarter Services, Correspondence and Directives Division, Records Management Division, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Mr. David Bosworth at (703) 695–0970.

SUPPLEMENTARY INFORMATION: Executive Order 12866. It has been determined that this Privacy Act rule for the Department of Defense does not constitute 'significant regulatory action'. Analysis of the rule indicates that it does not have an annual effect on the economy of \$100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements, grants, user fees, or loan

programs or the rights and obligations of recipients thereof; does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Regulatory Flexibility Act. It has been determined that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Paperwork Reduction Act. It has been determined that this Privacy Act rule for the Department of Defense imposes no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act, and 44 U.S.C. Chapter 35.

List of Subjects in 32 CFR part 311

Privacy.

Accordingly, 32 CFR part 311 is amended as follows:

1. The authority citation for 32 CFR part 311 continues to read as follows:

Authority: Pub.L. 93-579, 88 Stat 1896 (5 U.S.C.552a).

2. Section 311.7 is amended by adding paragraphs (c)(10)(i) through (c)(10)(iii) to read as follows:

§ 311.7 Procedures for exemptions.

* * * * *

(c) * * *

(10) *System identifier and name:*
DFMP 26, Vietnamese Commando Compensation Files.

(i) *Exemption:* Information classified under E.O. 12958, as implemented by DoD 5200.1-R, may be exempt pursuant to 5 U.S.C. 552a(k)(1).

(ii) *Authority:* 5 U.S.C. 552a(k)(1).

(iii) *Reasons:* From subsection 5 U.S.C. 552a(d) because granting access to information that is properly classified pursuant to E.O. 12958, as implemented by DoD 5200.1-R, may cause damage to the national security.

Dated: June 19, 1997.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense

[FR Doc. 97-16567 Filed 6-24-97; 8:45 am]

BILLING CODE 5000-04-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[GC Docket No. 97-143; FCC 97-198]

Implementation of the Electronic Freedom of Information Act Amendments of 1996

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This order proposes to amend the Commission's rules regarding implementation of the Electronic Freedom of Information Act Amendments of 1996 to comply with the changes mandated by the Electronic Freedom of Information Act Amendments of 1996. This proceeding will make it easier for the public to request access under the FOIA to the Commission's records.

DATES: Comments are due on or before July 25, 1997 and Reply comments are due on or before August 8, 1997.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Laurence H. Schecker, Office of General Counsel, (202) 418-1720.

SUPPLEMENTARY INFORMATION:

Adopted: June 5, 1997.

Released: June 19, 1997.

I. Introduction

1. In this NPRM, we propose to amend Part 0 of the Commission's Rules to implement the amendments to the Freedom of Information Act ("FOIA") that were enacted in the Electronic Freedom of Information Act Amendments of 1996 ("EFOIA").¹

2. The FOIA, which establishes a right of access to Federal agency records, was enacted 30 years ago, before the extensive use of computers to create and retain records in electronic formats. With the advent and widespread acceptance of new information technologies, questions increasingly arose about how electronic records should be handled under the FOIA. The EFOIA, signed into law on October 2, 1996, "bring[s] FOIA into the information and electronic age"² through amendments that directly address electronic records. The EFOIA also addresses procedural aspects of the

FOIA, including the time limits for processing FOIA requests.

3. Several of the Commission's FOIA rules must be revised to conform to the provisions of the EFOIA. We therefore initiate this proceeding to implement the EFOIA amendments.

II. Discussion

4. To implement the EFOIA amendments, we seek comment on the proposed revisions to our FOIA rules set forth below. The proposals are intended to conform our rules to express requirements of the EFOIA. In addition, as directed by the EFOIA, we propose new rules to provide for the expedited processing of FOIA requests.

5. *Form or Format Requests.* A significant change enacted in the EFOIA is the requirement that agencies honor requests that records be provided in specific formats, including electronic formats, so long as the records are "readily reproducible by the agency in that form or format."³ Prior to this amendment, agencies were under no obligation to accommodate a FOIA requester's preferences as to format.⁴ We propose to amend § 0.461(a) of our rules to reflect this new requirement.

6. *Time for Processing Initial FOIA Requests.* The EFOIA provides that, effective October 2, 1997, agencies will have 20 working days (rather than the current 10 working days) to respond to initial FOIA requests.⁵ To implement the statutory amendment, we propose to amend § 0.461(g) of our FOIA rules.⁶

7. The EFOIA further recognizes that in some circumstances, agencies may need more than 20 working days to process FOIA requests. Prior to the EFOIA's enactment, agencies were permitted to extend the time for responding to initial FOIA requests an additional 10 working days,⁷ and these provisions remain in effect. However, if an extension of more than 10 working days is sought, the EFOIA amendments require that an agency provide requesters with the opportunity both to limit the scope of their requests to enable processing within the 10 day statutory time limit for extensions, or to negotiate an alternate time frame for processing requests.⁸ We propose to

³ EFOIA 5, codified at 5 U.S.C. 552(a)(3)(B).

⁴ See H.R. Rep. No. 795, 104th Cong., 2d Sess. 21 (1996) (House Report), citing *Dismukes v. Department of the Interior*, 603 F. Supp. 760, 763 (D.D.C. 1984).

⁵ EFOIA § 8(b), codified at 5 U.S.C. 552(a)(6)(A)(i). See House Report at 26-27.

⁶ 47 CFR 0.461(g).

⁷ Former 5 U.S.C. 552(a)(3)(B); 47 CFR 0.461(g).

⁸ EFOIA § 7(b), codified at 5 U.S.C. 552(a)(6)(B).

If the requester refuses either option, or no agreement can be reached with the agency, a court must take this into account in considering whether

¹ Public Law 104-231, 110 Stat. 3048 (1996), codified at scattered subsections of 5 U.S.C. 552.

² President Clinton's Statement on Signing H.R. 3802, The Electronic Freedom of Information Act Amendments (October 2, 1996).